



Approved Commission Development Committee

Minutes from September 12, 2024

This was a virtual meeting as allowed by Ch. 2 of the Acts of 2023, extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

The meeting was held via Zoom and was recorded.

Chair Douglas McNally called the meeting to order at 5:30 p.m.

I. Roll Call

Present:

Douglas McNally, Windsor, Committee Chair

Buck Donovan, Lee

Kyle Hanlon, North Adams

Not Present:

Pedro Pachano, Great Barrington

Malcolm Fick, Great Barrington (non-voting Commission Chair)

BRPC Staff: Laura Brennan, Marianne Sniezek

II. Approval of Minutes from June 6, 2024

Buck Donovan made a motion to approve the minutes from the June 6, 2024 meeting. Kyle Hanlon seconded the motion. The motion passed unanimously.

III. Discussion of BRPC 2024 Annual Meeting (September 25th)

Laura Brennan said that so far 35 people have signed up to attend the meeting. This includes BRPC staff, members of the public, executive committee delegates and alternates, reporters, and Kristen Elechko, the Governor's Western Massachusetts Office director. Laura is hoping to reach at least 50 attendees.

IV. Discussion of potential BRPC bylaw amendments

a. Adjustments to gender-neutral language

Laura Brennan said that there was only one area in the bylaws where changes were necessary in this regard.

b. Clarification on procedure for appointment of vice chairs

Laura Brennan said that the bylaws currently contain no specific provisions governing the appointment of vice chairs or whether committees shall, must, or may have them. Currently, there is a range of situations across the standing committees and special committees with some having vice chairs and some not. The suggested edit to the bylaws effectively allows this

situation to continue, but clarifies the process for appointments, and includes a provision that vice chairs must be either a delegate or an alternate.

Douglas McNally said he agrees with the proposed edits and that having a vice chair is important in the situation that the chairperson is incapacitated or otherwise unable to participate.

Laura Brennan said that the edit also adjusts language to align with the two-year term of officers.

Laura Brennan said that the bylaws currently state that delegates and alternates shall be provided with a notice and agenda for Executive Committee meetings at least five days in advance of that meeting. The suggested edit aligns this requirement with open meeting law, which states that agenda and meeting notices must be posted 48 hours in advance of meetings. Douglas McNally and Kyle Hanlon approved of this edit.

c. Review of authorization of the Executive Committee to act on behalf of the Commission

Laura Brennan said that the bylaws currently require a two-thirds majority vote by Berkshire County municipalities to authorize the Executive Committee to act on behalf of the Commission. This approval process is conducted annually, each summer via email. It is easy to receive an affirmative vote from a simple majority, but it can be difficult to elicit enough responses to reach the two-thirds threshold. BRPC staff recommends that the two-thirds threshold be adjusted to a simple majority.

Douglas McNally said that this makes sense considering that there are some Berkshire County communities that never participate on the Commission. This means that in effect all participating communities must vote in order to reach the two-thirds threshold.

Laura Brennan said that delegate vacancies can also make it difficult to reach the two-thirds threshold.

Laura Brennan added that according to the current bylaws, if a delegate leaves their position on the planning board or resigns from the Commission, they are still effectively a delegate until they are replaced by the municipality. There have been instances when people have been upset by the fact that they were still listed as delegates and continued receiving communications even though they were no longer acting in that capacity.

Douglas McNally stated that this creates a potential liability in the case that a delegate resigns or is removed from a planning board with cause and subsequently votes on a BRPC measure as a delegate.

Douglas McNally suggested that section C1 of the bylaws was edited to the effect of "if a planning or community development board fails to elect a delegate in any year, or if during the year a vacancy occurs, the towns' representation will remain vacant until the board or Commission makes a new appointment".

Kyle Hanlon made a motion to advance the recommendation that the bylaw edits – including the language addressing delegate vacancies – be approved by the Executive Committee. Buck Donovan seconded the motion. The motion passed unanimously.

V. Next meeting

Laura Brennan said that at previous meetings, the CDC had discussed reviewing the onboarding materials and processes for new delegates and alternates; this could be a topic for a future meeting.

VI. Adjournment

Kyle Hanlon made a motion to adjourn the meeting. Buck Donovan seconded the motion. The motion passed unanimously. The meeting adjourned at 5:59 p.m.

Documents and Exhibits Used:

Draft Minutes of June 6th CDC meeting
Draft Amendments to BRPC Bylaws